

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID JANKOWSKI,)	
)	
Plaintiff,)	Case No. 2:13-cv-194
)	
v.)	Chief Judge Joy Flowers Conti
)	Magistrate Judge Lisa Pupo Lenihan
ROBERT LELLOCK, <i>et al.</i> ,)	
)	
Defendants.)	ECF Nos. 73 & 75
)	
)	

MEMORANDUM ORDER

Plaintiff commenced this civil action by filing a Complaint with the Clerk of Court on February 6, 2013, which was assigned to Judge Terrence F. McVerry. Upon Judge McVerry's retirement, this case was randomly assigned to a United States Magistrate Judge on October 13, 2016 for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D. On September 12, 2017, the undersigned was randomly assigned as the presiding judge, and magistrate judge became the referred judge.

The magistrate judge's Report and Recommendation (ECF No. 75), filed on September 12, 2017, recommended that the Motion to Dismiss Case with Prejudice and/or Enter a Final Disposition of Zero Dollars against Defendant (ECF No. 73), filed by Defendant Robert Lellock, be granted in part and denied in part. It was recommended that the Motion to Dismiss the Case with Prejudice be granted, and the Motion to Enter a Final Disposition of Zero Dollars against Defendant Lellock be denied.

Service was made on Defendant Lellock, LK-1459, at 1600 Walters Mill Road, Somerset, PA 15510, via First Class, U.S. Mail, and on all counsel of record via

CM/ECF electronic mail. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. No objections have been filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 5th day of October, 2017,

IT IS HEREBY ORDERED that the Motion to Dismiss Case with Prejudice and/or Enter a Final Disposition of Zero Dollars against Defendant (ECF No. 73), filed by Defendant Robert Lellock, is granted in part and denied in part. The Motion to Dismiss the Case with Prejudice against Defendant Robert Lellock **IS GRANTED** and the case against him is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Motion to Enter a Final Disposition of Zero Dollars against Defendant Lellock **IS DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 75) of Magistrate Judge Lenihan dated September 12, 2017, is adopted as the opinion of the Court.

BY THE COURT:

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
Chief United States District Judge

cc: All Counsel of Record
Via CM/ECF Electronic Mail

Robert Lellock
LK-1459
SCI-Somerset
1600 Walters Mill Road
Somerset, PA 15510
Via First Class U.S. Mail